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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/554,025  | 06/15/2000  | CHRISTOPH DORR       | TRW(EHR4846         | 6556             |
| 26294   | 7590        | 09/13/2004           | EXAMINER            |                  |
| TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P.<br>526 SUPERIOR AVENUE, SUITE 1111<br>CLEVEVLAND, OH 44114 |             |                      | GARCIA, ERNESTO     |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3679                |                  |

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Km

**Advisory Action**

Application No.

09/554,025

Applicant(s)

DORR, CHRISTOPH

Examiner

Ernesto Garcia

Art Unit

3679

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 23 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) will be as follows:

Claim(s) allowed: 13, 14, 16-18 and 22-25.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 11, 26 and 27.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

**DANIEL P. STODOLA**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.

10. ☒ Other: The quality of claim 27 at the bottom of page 8 is poor with the bottom three lines substantially obscured and unreadable. Appropriate correction is required.

Continuation of 5. does NOT place the application in condition for allowance because: the arguments that Neither Graham et al. nor Pazzdirek et al. teach a metal ring that secures a bearing shell within a plastic joint housing by the metal ring having plastic of the joint housing on only one side of a cylindrical center portion of the metal ring is not persuasive because the language does not appear in rejected claim 11. Applicant is reminded that the features upon which applicant relies (i.e., the metal ring having plastic of the joint housing on only one side of a cylindrical center portion of the metal ring) are not recited in the rejected claim 11. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In respect to the argument that the references do not teach the radially outwardly angled flange embedded in the plastic joint housing is also not persuasive as the outwardly angled flange is embedded in the housing. Again, the examiner has taken the broadest interpretation of the term "embedded" as previously discussed and defined in the Final Office action of 2/26/03, thus the references teach the outwardly angled flange embedded in the plastic joint housing.

Applicant further argued that there is no suggestion or motivation for forming the joint housing of Graham et al., from plastic. In response to applicant's argument, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Plastic housings, metal housings, or composite housings for ball-and-socket joints are known in the art. One skilled in the art would have made the housing from any known material, especially from plastic as known.